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By: **Montgomery County Delegation**  
Introduced and read first time: February 13, 2004  
Assigned to: Appropriations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 16, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Montgomery County - Sheriff's Office - Collective Bargaining**  
3 **MC 414-04**

4 FOR the purpose of providing that full-time deputy sheriffs and civilian employees in  
5 the Montgomery County Sheriff's office may be required to serve a probationary  
6 period on appointment to their positions; granting collective bargaining rights to  
7 certain deputy sheriffs and civilian employees in the Sheriff's office; providing  
8 that collective bargaining may be engaged in with respect to wages, pensions,  
9 fringe benefits, hours, performance ~~standards and evaluations~~ evaluation  
10 procedures, and other terms and conditions of employment with the Sheriff's  
11 office; providing that a collective bargaining agreement reached under the  
12 authority of this Act may not impair the rights and responsibility of the Sheriff  
13 to perform certain duties relating to the mission and operation of the Sheriff's  
14 office and the direction and supervision of employees of the office of the Sheriff;  
15 providing that the Sheriff's rights set forth under this Act shall be considered to  
16 be a part of each collective bargaining agreement reached between the Sheriff  
17 and an employee organization; and generally relating to collective bargaining  
18 rights for certain sworn law enforcement officers and certain civilian employees  
19 in the Sheriff's office of Montgomery County.

20 BY repealing and reenacting, with amendments,  
21 Article - Courts and Judicial Proceedings  
22 Section 2-309(q)  
23 Annotated Code of Maryland  
24 (2002 Replacement Volume and 2003 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Courts and Judicial Proceedings**

4 2-309.

5 (q) (1) The Sheriff of Montgomery County shall receive a salary, subject to §  
6 35 of Article III of the Constitution, and an allowance for expenses, as the County  
7 Council provides in its annual budget. The County Council shall provide an  
8 automobile for the use of the Sheriff and his deputies for the general public work of  
9 the office and the expense of operating the automobile shall be paid by the county.

10 (2) (i) The Sheriff may appoint 2 full-time assistant sheriffs and the  
11 number of deputies provided in the county budget[, who shall provide motor vehicles  
12 for their own use in performing their duties].

13 (ii) The Sheriff shall also appoint the other clerical and  
14 administrative employees [necessary] PROVIDED IN THE COUNTY BUDGET, all of  
15 whom shall be paid by the county.

16 (III) 1. WITH THE EXCEPTION OF THE ASSISTANT SHERIFFS, ALL  
17 FULL-TIME DEPUTY SHERIFFS OF ALL RANKS MAY, UPON APPOINTMENT, BE  
18 REQUIRED BY THE SHERIFF TO SERVE A PROBATIONARY PERIOD OF 12 MONTHS  
19 FOLLOWING ATTAINMENT OF SWORN STATUS.

20 2. ~~A.~~ CIVILIAN EMPLOYEES MAY, UPON APPOINTMENT, BE  
21 REQUIRED BY THE SHERIFF TO SERVE A PROBATIONARY PERIOD OF 6 MONTHS.

22 ~~B.~~ 3. THE PROBATIONARY PERIOD MAY BE EXTENDED BY  
23 THE SHERIFF FOR REASONABLE CAUSE.

24 ~~C.~~ 4. DURING THE PROBATIONARY PERIOD, THE  
25 DETERMINATION OF THE EMPLOYEE'S QUALIFICATIONS AND ABILITY TO SERVE IN  
26 THE POSITION OF A PERMANENT, NONPROBATIONARY EMPLOYEE SHALL BE WITHIN  
27 THE EXCLUSIVE DISCRETION OF THE SHERIFF, SUBJECT TO THE MONTGOMERY  
28 COUNTY MERIT SYSTEM LAWS AND PERSONNEL REGULATIONS.

29 (3) (i) The Sheriff shall fix the compensation of, and may discharge,  
30 the deputy sheriffs, and other employees appointed, subject to budget limitations  
31 [and the regulations of the Montgomery County Personnel Board], THE  
32 MONTGOMERY COUNTY MERIT SYSTEM LAW, PERSONNEL REGULATIONS, OR  
33 APPLICABLE COLLECTIVE BARGAINING AGREEMENT. The Sheriff shall fix the  
34 compensation of the assistant sheriffs subject to budget limitations.

35 (ii) Except for the assistant sheriffs, personnel appointed by the  
36 Sheriff shall be considered for all purposes as Montgomery County merit system  
37 employees and subject to [all rules and regulations of the Personnel Board of ] THE  
38 Montgomery County MERIT SYSTEM LAW AND PERSONNEL REGULATIONS. Assistant

1 sheriffs shall serve at the pleasure of the Sheriff and shall meet the qualifications of  
 2 the Maryland Police Training Commission standards for law enforcement officers.

3 (III) 1. NONPROBATIONARY DEPUTY SHERIFFS BELOW THE RANK  
 4 OF SERGEANT AND NONPROBATIONARY CIVILIAN EMPLOYEES AS DEFINED IN THE  
 5 MONTGOMERY COUNTY CODE, § 33-102(4), SHALL HAVE THE RIGHT TO ORGANIZE  
 6 AND BARGAIN COLLECTIVELY IN ACCORDANCE WITH THE MONTGOMERY COUNTY  
 7 CODE, CHAPTER 33, ARTICLE VII, WITH REGARD TO COMPENSATION, PENSION FOR  
 8 ACTIVE EMPLOYEES, FRINGE BENEFITS, HOURS, AND TERMS AND CONDITIONS OF  
 9 EMPLOYMENT, INCLUDING PERFORMANCE STANDARDS AND EVALUATION  
 10 PROCEDURES.

11 2. A. EMPLOYEES, OTHER THAN THE ASSISTANT  
 12 SHERIFFS, ARE SUBJECT TO THE MONTGOMERY COUNTY MERIT SYSTEM LAW AND  
 13 PERSONNEL REGULATIONS AND MAY BE EXCLUDED FROM THOSE PROVISIONS ONLY  
 14 TO THE EXTENT THAT THE APPLICABILITY OF THOSE PROVISIONS IS MADE THE  
 15 SUBJECT OF COLLECTIVE BARGAINING.

16 B. 3. AS TO THE EMPLOYEES DESCRIBED IN  
 17 ~~SUBSUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH~~ SUBSUBPARAGRAPH 1 OF  
 18 THIS SUBPARAGRAPH, THE MONTGOMERY COUNTY EXECUTIVE SHALL BE  
 19 CONSIDERED THE EMPLOYER OF THE EMPLOYEES UNDER THE MONTGOMERY  
 20 COUNTY CODE, CHAPTER 33, ARTICLE VII, ONLY FOR THE PURPOSE OF COLLECTIVE  
 21 BARGAINING FOR COMPENSATION, PENSION, FRINGE BENEFITS, AND HOURS.

22 3. 4. THE SHERIFF SHALL BE CONSIDERED THE EMPLOYER  
 23 FOR ALL OTHER PURPOSES AND SHALL BE CONSIDERED THE EMPLOYER UNDER THE  
 24 MONTGOMERY COUNTY CODE, CHAPTER 33, ARTICLE VII, FOR ALL OTHER TERMS  
 25 AND CONDITIONS OF EMPLOYMENT.

26 (IV) ANY REQUIRED FUNDING FOR A COLLECTIVE BARGAINING  
 27 AGREEMENT NEGOTIATED BY THE SHERIFF IS SUBJECT TO THE BUDGET AND FISCAL  
 28 POLICIES OF MONTGOMERY COUNTY.

29 (V) THE PROVISIONS OF SUBPARAGRAPH (III) OF THIS PARAGRAPH  
 30 AND ANY AGREEMENT MADE UNDER IT MAY NOT IMPAIR THE RIGHT AND  
 31 RESPONSIBILITY OF THE SHERIFF TO:

32 1. DETERMINE THE OVERALL MISSION OF THE SHERIFF'S  
 33 OFFICE AND, SUBJECT TO THE BUDGET AND FISCAL POLICIES OF MONTGOMERY  
 34 COUNTY, THE SHERIFF'S OFFICE BUDGET;

35 2. MAINTAIN AND IMPROVE THE EFFICIENCY AND  
 36 EFFECTIVENESS OF OPERATIONS;

37 3. DETERMINE THE SERVICES TO BE RENDERED AND THE  
 38 OPERATIONS TO BE PERFORMED;

- 1                                   4.        DETERMINE THE OVERALL ORGANIZATIONAL  
2 STRUCTURE, METHODS, PROCESSES, MEANS, AND PERSONNEL BY WHICH  
3 OPERATIONS ARE TO BE CONDUCTED AND THE LOCATION OF FACILITIES;
- 4                                   5.        DIRECT AND SUPERVISE EMPLOYEES, ~~SUBJECT TO THE~~  
5 ~~MONTGOMERY COUNTY MERIT SYSTEM LAW AND PERSONNEL REGULATIONS;~~
- 6                                   6.        ~~HIRE, SELECT, AND~~ HIRE AND SELECT NEW EMPLOYEES;
- 7                                   7.        ESTABLISH THE STANDARDS GOVERNING PROMOTION OF  
8 EMPLOYEES, SUBJECT TO THE MONTGOMERY COUNTY MERIT SYSTEM LAW AND  
9 PERSONNEL REGULATIONS;
- 10                                 7.        8. RELIEVE EMPLOYEES FROM DUTIES BECAUSE OF  
11 LACK OF WORK OR FUNDS OR UNDER CONDITIONS WHEN THE EMPLOYER  
12 DETERMINES CONTINUED WORK WOULD BE INEFFICIENT OR NONPRODUCTIVE,  
13 SUBJECT TO THE MONTGOMERY COUNTY MERIT SYSTEM LAW AND PERSONNEL  
14 REGULATIONS;
- 15                                 8.        9. TAKE ACTIONS TO CARRY OUT THE MISSION OF  
16 GOVERNMENT IN SITUATIONS OF EMERGENCY;
- 17                                 9.        10. TRANSFER, ASSIGN, AND SCHEDULE EMPLOYEES,  
18 SUBJECT TO THE MONTGOMERY COUNTY MERIT SYSTEM LAW AND PERSONNEL  
19 REGULATIONS;
- 20                                 10.       11. DETERMINE THE SIZE AND COMPOSITION OF THE  
21 WORKFORCE, SUBJECT TO THE COUNTY'S BUDGET AND FISCAL POLICIES;
- 22                                 11.       12. SET THE STANDARDS OF PRODUCTIVITY AND  
23 TECHNOLOGY;
- 24                                 12.       13. ESTABLISH EMPLOYEE PERFORMANCE STANDARDS  
25 AND EVALUATE EMPLOYEES, SUBJECT TO THE MONTGOMERY COUNTY MERIT  
26 SYSTEM LAW AND PERSONNEL REGULATIONS;
- 27                                 13.       14. MAKE AND IMPLEMENT SYSTEMS FOR AWARDING  
28 OUTSTANDING SERVICE INCREMENTS, EXTRAORDINARY PERFORMANCE AWARDS,  
29 AND OTHER MERIT AWARDS, SUBJECT TO THE BUDGET AND FISCAL POLICIES OF  
30 MONTGOMERY COUNTY AND THE MONTGOMERY COUNTY MERIT SYSTEM LAW AND  
31 PERSONNEL REGULATIONS;
- 32                                 14.       15. INTRODUCE NEW OR IMPROVED TECHNOLOGY,  
33 RESEARCH, DEVELOPMENT, AND SERVICES;
- 34                                 15.       16. CONTROL AND REGULATE THE USE OF MACHINERY,  
35 EQUIPMENT, AND OTHER PROPERTY AND FACILITIES OF THE SHERIFF'S OFFICE;
- 36                                 16.       17. MAINTAIN INTERNAL SECURITY STANDARDS;

1                                   ~~17.~~    18. CREATE, ALTER, COMBINE, CONTRACT OUT, OR  
2 ABOLISH ANY OPERATION, UNIT, OR OTHER DIVISION OR SERVICE, EXCEPT THAT:

3                                   A.        CONTRACTING OUT WORK THAT WILL DISPLACE  
4 EMPLOYEES MAY NOT BE UNDERTAKEN BY THE EMPLOYER UNLESS 90 DAYS PRIOR  
5 TO SIGNING THE CONTRACT, OR ON ANOTHER DATE OF NOTICE AS AGREED TO BY  
6 THE PARTIES, WRITTEN NOTICE HAS BEEN GIVEN TO THE CERTIFIED  
7 REPRESENTATIVE; AND

8                                   B.        ANY DISPLACEMENT OF BARGAINING UNIT MEMBERS  
9 SHALL BE CONDUCTED IN A MANNER THAT IS CONSISTENT WITH THE COUNTY  
10 COLLECTIVE BARGAINING LAW;

11                                  ~~18.~~    19. SUSPEND, DISCHARGE, OR OTHERWISE DISCIPLINE:

12                                  A.        SWORN EMPLOYEES FOR CAUSE UNDER THE MARYLAND  
13 LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS; AND

14                                  B.        CIVILIAN EMPLOYEES, SUBJECT TO THE MONTGOMERY  
15 COUNTY MERIT SYSTEM LAW AND COLLECTIVE BARGAINING AGREEMENT WHERE  
16 APPLICABLE, PROVIDED THAT, SUBJECT TO § 404 OF THE MONTGOMERY COUNTY  
17 CHARTER, ANY ACTION TO SUSPEND, DISCHARGE, OR OTHERWISE DISCIPLINE A  
18 CIVILIAN EMPLOYEE MAY BE SUBJECT TO THE GRIEVANCE PROCEDURE SET FORTH  
19 IN THE COLLECTIVE BARGAINING AGREEMENT; AND

20                                  ~~19.~~    20. ISSUE AND ENFORCE RULES, POLICIES, AND  
21 REGULATIONS NECESSARY TO CARRY OUT THE FUNCTIONS OF THIS SUBPARAGRAPH  
22 AND ALL OTHER MANAGERIAL FUNCTIONS THAT ARE NOT INCONSISTENT WITH LAW  
23 OR THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT.

24                                  (VI)     THE RIGHTS AND RESPONSIBILITY OF THE SHERIFF UNDER  
25 SUBPARAGRAPH (III) OF THIS PARAGRAPH SHALL BE CONSIDERED TO BE A PART OF  
26 EACH COLLECTIVE BARGAINING AGREEMENT REACHED BY THE SHERIFF AND AN  
27 EMPLOYEE ORGANIZATION.

28                                  [(iii)]   (VII)    Each assistant sheriff and deputy sheriff whose duty  
29 assignment requires the use of a motor vehicle shall be reimbursed in such amounts  
30 as shall be set forth in the budget for expenses for traveling, transportation, or use of  
31 motor vehicles, or may, in the alternative, be allowed the use of a publicly owned  
32 motor vehicle [for use on duty].

33                                  (4)     [Deputies] DEPUTY SHERIFFS are not entitled to any additional  
34 compensation for rendering services incident to their office. The County Council shall  
35 levy and collect annual taxes on the assessable property in the county in an amount  
36 sufficient to pay the salaries and allowances of the Sheriff and [his] THE SHERIFF'S  
37 deputies.

38        SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
39 October 1, 2004.

